
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Etan Industries, Inc.
Owner of Antenna Structure # 1051381
Hallettsville, Texas

)
)
)
)
)
)
)

File No. EB-11-HU-0062
NOV No. V201132540001

NOTICE OF VIOLATION

Released: September 8, 2011

By the Resident Agent, Houston Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to section 1.89 of the Commission's rules¹ to Etan Industries, Inc., owner of antenna structure # 1051381 in Hallettsville, Texas.
2. On August 24, 2011, an agent of the Commission's Houston Office of the Enforcement Bureau observed antenna structure # 1051381 located in Hallettsville, Texas, and observed the following violation(s):
 - a. 47 C.F.R. § 17.47(a)(1): "The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part: Shall make an observation of the antenna structure's lights at least once each 24 hours either visually or by observing an automatic properly maintained indicator designed to register failure of the lights to insure all lights are functioning properly as required; ..." Although it was confirmed the tower lights were observed once each 24 hours, the observation was not conducted in a way to insure all of the lights were operating properly. The daily light observer saw that the top light and a midpoint light were working, but did not notice that another midpoint light was not operating properly.
 - b. 47 C.F.R. § 17.51(b): "All high intensity and medium intensity obstruction lighting shall be exhibited continuously unless otherwise specified." At the time of inspection, one of the two medium intensity strobe lights installed at the ½ point of the structure was not functioning.

¹ 47 C.F.R. § 1.89.

Federal Communications Commission

- c. 47 C.F.R. § 17.57: “The owner of an antenna structure for which an Antenna Structure Registration Number has been obtained must notify the Commission within 24 hours of completion of construction (FCC Form 854-R) and/or the dismantlement (FCC Form 854). The owner must also immediately notify the Commission using FCC Form 854 upon any change in structure height or change in ownership information.” The telephone number provided in the ownership information of the Antenna Structure Registration is not current and must be updated.
3. Pursuant to section 308(b) of the Communications Act of 1934, as amended,² and section 1.89 of the Commission’s rules, Etan Industries, Inc., must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the tower owner. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:
- Federal Communications Commission
Houston Office
9597 Jones Road, #362
Houston, Texas 77065
4. This Notice shall be sent to Etan Industries, Inc., at its address of record.
5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Stephen P. Lee
Resident Agent
Houston Office
South Central Region
Enforcement Bureau

² 47 U.S.C. § 308(b).

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*